REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Claims 1-10, 12 and 14 have been replaced by new independent claim 15 and dependant claims 16-18 dependent thereon. Claim 15 is the same as canceled claim 1, except that a "position detection means" is added and the "wherein" clause of claim 1 is modified:

> shift position detection means for detecting a position of a shift lever of the vehicle;
>
> wherein when the position of the shift lever is changed ~~the magnitude of a force in a rotation direction of the rotation member that the friction member receives from the rotation member changes~~ in a state in which the parking brake is in the activated state upon completion of the parking brake activation control, the control means again performs the parking brake activation control.

One example of the relationship between the claimed shift position detection means and control means is discussed on pages 30-33 and illustrated in FIG. 4 of Applicants' specification. In this example, a parking brake re-activation control is used to maintain a braking force on the wheels when a shift lever is moved from one position to another (e.g., from drive to neutral). Movement of the shift lever is monitored by a shift lever position sensor 55, which outputs a signal (Pos) indicative of the position of the shift lever.

FIG. 4 indicates a change in the braking force and position of the shift lever over time. The braking force is represented by a tension (Fw) of a brake wire and the shift level position is represented by the output signal (Pos) of the shift position

sensor. At time t0 the driver applies pressure to the brake pedal. During the time t0 to t2, the shift lever is in one position (e.g., drive position). At time t1 the tension Fw has reached a level Fwt which is sufficient to stop the vehicle. At time t2, the driver moves the shift lever to another position (e.g., neutral position). When this change in the position of shift lever is detected, a control unit initiates a re-activation control that returns the tension in the wire to level Fwt. Without this re-activation control, the wire tension could drop below Flimit, as illustrated by the broken lines in FIG. 4, which could be insufficient to stop the vehicle or maintain the vehicle in a stopped state.

Claims 1-10, 12 and 14 stand rejected under 35 U.S.C. § 102(b) over Siepker and the newly cited Yanaka reference.

Siepker describes a combination hydraulic and electromechanical braking system. Certain "engagement conditions" are described as events that trigger deactivation of the hydraulic system and activation of the electromechanical system or visa versa. For example, the electromechanical system can be activated upon detection of the engine being shut-off or when an automatic transmission is set in a Park position. See col. 4, lines 32-36 and col. 4, line 61 to col. 5, line 15, respectively. However, Siepker does not disclose re-activation of the electromechanical brake while the brake is in an activated state and the transmission is shifted from one configuration to another. In particular, Siepker does not disclose *an electric parking apparatus wherein when the position of a shift lever changes during a state in which the electric parking brake is in the activated state upon completion of an electronic parking brake activation control, a control means again*

performs an electric parking brake activation control as recited in claim 15. Accordingly, for at least this reason, claim 15 is patentable over Siepker.

Yanaka discloses an electronic braking system that includes a shift position sensor 25 for detecting, e.g., a parking and drive position of a vehicle shift lever. In this reference, a first and second routine are described for activating or de-activating, respectively, a parking brake according to the output signal from the shift position sensor 25. According to the first routine (automatic-parking-brake activation control), an automatic parking brake is initiated if the shift lever is placed in a park position. See col. 8, line 59 to col. 9, line 4. According to the second routine (automatic parking-brake-de-activation control routine), the parking brake is released if the shift lever is positioned in a forward or reverse position. See col. 9, line 56 to col. 10, line 8. Thus, in similar fashion to that of Siepker, Yanaka's disclosed device only provides a control that activates or de-activates a parking brake. Yanaka does not disclose an electric parking apparatus *wherein when the position of a shift lever changes during a state in which the electric parking brake is in the activated state upon completion of an electronic parking brake activation control, a control means again performs an electric parking brake activation control* as recited in claim 15. Accordingly, for at least this reason, claim 15 is also patentable over Yanaka. Allowance of claim 15 is earnestly solicited.

Claims 16-18 are dependent from allowable claim 15 and recite features of invention that further distinguish over the prior art. Allowance of claims 16-18 is earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful

in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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Date: April 10, 2006

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